IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 1549 of 1998

For Approval and Signature:

HON'BLE MR.JUSTICE P.B.MAJMUDAR

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1. Whether Reporters of Local Papers may be allowed to see the judgment? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

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MOHMMAD HAFIZ ABDUL LATIF INDORI

Versus

HEMANTKUMAR RAMANIKLAL GANDHI

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Appearance:

MR DAXESH T DAVE for Petitioner Nos. 1-2

MR BP DALAL for Respondent No. 1-2

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CORAM : HON'BLE MR.JUSTICE P.B.MAJMUDAR

Date of decision: 01/04/2004

ORAL JUDGEMENT

The petitioners are the original defendants of Special Civil Suit No.49 of 1994. The respondents herein are the original plaintiffs of the said suit. The said suit is filed for a declaration and injunction. The suit is filed in connection with some partnership dispute.

In the aforesaid suit, the petitioners herein gave an application Exhibit 76, dated 25th September, 1997, requesting the Court that the plaintiffs may be

directed to disclose whether the plaintiffs are willing to abide by the accounts of the partnership business. It was prayed that the plaintiffs may be directed to disclose the aforesaid fact before the Court. The trial court, by the impugned order dated 12th August, 1998, rejected the said application. It is the aforesaid order which is impugned in this revision application.

In view of the amendment in Section 115 of the Code of Civil Procedure, this revision is not maintainable against such an interlocutory order. The suit is at large before the trial court and such type of interlocutory orders, therefore, are not revisable by this Court. In that view of the matter, the revision is not maintainable. The same is disposed of as not maintainable. Rule is discharged. No order as to costs.

At this stage, Mr.Dave, learned Advocate for the petitioners, submitted that the petitioners would like to file a Special Civil Application under Article 227 of the Constitution of India. It is clarified that as this Court has not entertained the revision only on the ground that it is not maintainable, it would be open for the petitioners to file a Special Civil Application under Article 227 of the Constitution of India, challenging the impugned order.

1st April, 2004 ( P.B. Majmudar, J. )

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(apj)